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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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In re: EPHEDRA PRODUCTS LIABILITY  
LITIGATION

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: 04 M.D. 1598 (JSR)  
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PERTAINS TO ALL CASES

STATUS ORDER (INCLUDING CASE MANAGEMENT ORDER NO.30)

JED S. RAKOFF, U.S.D.J.

At the monthly status conference held on October 5, 2006, the Court made the following rulings, which are hereby confirmed (and in some instances modified and supplemented) as follows:

1. The next status conference will be held as previously announced at 4:30 pm on Thursday, November 2, 2006.

2. Upon the application of the Official Committee of Unsecured Creditors and the debtor's tort insurer in the Metabolife bankruptcy, and without opposition, the stay of all cases involving Metabolife products was extended to November 7, 2006, to coincide with the end of a corresponding stay granted by the Hon. John J. Hargrove, U. S. B. J., S. D. Cal. As to the uninsured and underinsured Metabolife cases, the Court will not entertain any further application to extend the stay; if a binding global settlement has not been reached by the November 7, discovery and motion practice will resume on that date. As to

any fully insured Metabolife case that has not been settled by November 2, the Court will hear an application to extend the stay by any plaintiff's counsel who appears in person at the November status conference. Parties who do not appear by counsel at the November status conference will not be heard on the issue of extending the stay.

3. The Court directed all parties to the various bankruptcies who are negotiating or drafting provisions for distributing a global settlement of cases pending in the MDL through a reorganization plan or trust similar to the one used for the Twinlabs 2002-2004 Cases to consult the Special Master early in the drafting process for help in ensuring that the resulting instruments comply with the various Case Management Orders of this Court.

4. Upon the application of the debtor and Committee of Unsecured Creditors in the NVE bankruptcy, and without opposition, the Court extended the stay of all cases involving NVE products until the November status conference, *except* that relief from the stay was granted to the same limited extent as was granted in the order of the Bankruptcy Court for the District of New Jersey (Winfield, B.J.) dated 10/2/2006 to permit certain plaintiffs to file motions to amend their complaints so as to join certain additional defendants and to permit the service of process where certain defendants named in a complaint have not

been served. Motions to amend permitted by this relief shall be filed in the MDL on or before October 16; opposition papers, if any, shall be filed by October 23; reply papers (if any) shall be filed by October 26 (the day when the moving parties must deliver courtesy copies to Chambers and e-mail them to the Special Master).

5. The Court denied the request by all parties in *Ammar v. Basic Research*, No. 05 Civ. 1006, for a 60-day extension of time, after they had already received a 30-day extension from the Special Master.

SO ORDERED.

Dated: New York, New York  
October 18, 2006

  
JED S. RAKOFF, U.S.D.J.